IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 2807 of 2001

Between:

Nellore District Ex-Servicemen Association,

Regd.No.132/83 - D.No.16/749,Shankara Agraharam,

Nellore, Rep. by its President, Sri V.Sai Kumar

..... PETITIONER

AND

The Senior Divisional Manager,

Life Insurance Corporation of India,

Divisional Office, P.B.No.15,

Dargametta "Jeevan Prakash", Nellore and 4 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the selection of the respondents 3 to 5 as Night Watchmen by respondents 1 and 2, as illegal and arbitrary, the present writ petition is filed.

It is the case of the petitioner that while conducting selection for the posts of night watchmen, the respondents 1 and 2 selected only civilians and no Ex-servicemen were appointed. As per Circular issued by respondent Corporation in 2D 879/ASP/95, dated 22.05.1995, in Class-IV posts 24 ½ % are reserved for SC/ST or OBC who are ex-servicemen and as per A.P.Last Grade Service Rules, Head Chowkidar or Chowkidar post should be selected from Ex-servicemen only. But contrary to the said circular, the respondents 1 and 2 selected respondents 3 to 5 for the posts of night watchmen. Hence this writ petition.

The respondents filed a detailed counter affidavit denying the allegations made by the petitioner and further stated that the Watchman posts are not reserved exclusively for Ex-Servicemen only. 24 ½ % posts only reserved for Ex-Servicemen. It is further stated that as on the date of notification, the number of Ex-servicemen in Class-IV category were 29.54%, above the stipulated 24 ½ %, and as such no post becomes earmarked for Ex-Servicemen category as per the respondent Corporation policy. The Ex-Servicemen were also called for interview, but they were not selected in the interview.

Even though the matter is posted today under the caption “for dismissal”, none appears for the petitioner.

The only contention raised by the petitioner in the writ petition is that the respondents 1 and 2 have not followed the instructions issued in Circular No.2D 879/ASP/95, dated 22.05.1995 in conducting selection for the posts of Watchman.

The petitioner contended that no

Ex-Servicemen were called for interview for the post of Watchman. But in the counter affidavit, it is clearly averred that one D.Ramprasad,

Ex-Serviceman, sponsored by Z.S.B. Nellore was selected for the post of Watchman, but subsequently on a complaint received that he passed SSC and eligible for Class-III posts, his appointment was cancelled. According to this version, the contention of the petitioner is totally untenable. The petitioner has not filed any rejoinder rebutting the averments of the counter affidavit. Therefore, the writ petition is devoid of merit and liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

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K.C. BHANU,J

Dated: 19.08.2005

Dsr